

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.  
PCT/GB2004/004364

International filing date (day/month/year)  
14.10.2004

Priority date (day/month/year)  
17.10.2003

International Patent Classification (IPC) or both national classification and IPC  
E05B73/00, G08B13/14

Applicant  
DUBOIS LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

|                               |             |             |
|-------------------------------|-------------|-------------|
| Novelty (N)                   | Yes: Claims | 5-13        |
|                               | No: Claims  | 1-4, 14, 15 |
| Inventive step (IS)           | Yes: Claims |             |
|                               | No: Claims  | 1-15        |
| Industrial applicability (IA) | Yes: Claims | 1-15        |
|                               | No: Claims  |             |

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following documents:

D1: US 2002/000111 A1,

D2: US 2003/094021 A1.

2. In document D1, §[0061],[0062] and figures 17-20 an unlocking device for magnetic security devices is shown. A part of the article, which is to be unlocked is placed on a wall 94, which can be seen as a "first portion" for locating an article in a first direction.

2.1 Even though it is not explicitly mentioned in D1, it seems to be clear for example from figure 17, that at the far side of the device a second wall is doubtlessly provided (Guidelines 12.04, 12.05). In figure 17 the magnet 92 is furthermore indicated with dashed-lines, while the rest of the releasing device is indicated with solid lines. It therefore appears, that figure 17 gives a substantially correct view of how this releasing device would look like from the front. This is further supported by figure 18, which shows a partial cut to the inside of the releasing device, whereby in the cut-area the magnet is indicated with solid lines. The wall shown at the back of the releasing device is thus a "second portion" suitable for locating an article in a second direction, and the absence of a corresponding wall at the front results in a device where an article would be restricted in only two directions.

2.2 The back wall in D1, which forms the "second portion" is also with certainty "substantially perpendicular" to the "first portion" 94, since this appears to be the only sensible alternative for a releasing device adapted to a secured article according to for example figure 1.

2.3 It is furthermore to be noted, that claim 1 is directed to a releasing apparatus, per se and any references in the claim to the protected article should be interpreted as features for which the releasing device should be suitable in combination with a suitably shaped secured article (Guidelines 5.37). In the last 6 lines of claim 1 the only clear structural feature of the releasing apparatus is the provision of at least one magnetic release means in the first or second portion. In D1 such a magnetic release means 92 is present in the first portion 94. Even if this is not directly mentioned in D1, the

magnetic release means 92 will inevitably to a certain extent assist in locating the article in the third direction substantially perpendicular to the first and second direction.

2.4 Consequently, when carrying out the teaching of D1 the skilled person would inevitably arrive at an apparatus according to claim 1, and its subject-matter is therefore not new (Article 33(2) PCT).

2.5 Following the above argumentation document D1 discloses (partially implicitly) an L-shaped slot or receptacle, which would be capable of receiving articles of a wide range of shapes and sizes as defined in claim 2. Thus, the skilled person would also undoubtedly arrive at an apparatus according to claim 2, when carrying out the teaching of D1.

2.6 The same applies to the method according to claim 15, which also does not seem to fulfill the requirements of Article 33(2) PCT.

3. Dependent claims 3-14 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, since they relate either to minor constructional changes or to measures well known in the field of security devices.

4. In D2 an apparatus for releasing a magnetic security device comprising a "first portion" 41 and a vertical "second portion" substantially perpendicular" to the first portion. The secured article, with which this releasing apparatus is intended to cooperate, is physically restrained only in two directions by these portions (see figure 7). The magnetic release means 42 will at least to a certain extent be able to assist in locating the article in a third direction substantially perpendicular to the first and the second direction by magnetic attraction as defined in claim 1. Consequently, document D2 discloses an apparatus having all structural features of claim 1 and also being suitable for the intended use described in claim 1 (Guidelines 5.37 and 12.05). The subject-matter of claim 2 is thus not new over D2.